

In re Application of: Sherwood, Jeffrey
Serial No.: 10/080,102
Response to 3/12/2004 Office Action

REMARKS

In the Office Action, the Examiner rejected Claims 1-15. Claim 9 was rejected by the Examiner under 35 U.S.C. § 102(e) as being unpatentable over *Suzuki* (U.S. Patent No. 6,344,836). Claims 1-8 and 10-15 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Manne* (U.S. Patent No. 5,949,522). After entry of this Response, Claims 1-15 are pending.

I. Claim 9

In rejecting Claim 9, the Examiner states that "*Suzuki* discloses a system for altering the appearance of an interior space comprising a plurality of plasma display screens spaced apart from one another around the interior space; a plurality of auxiliary speakers or primary speakers; a central processing unit which comprises storage devices for storing images and audio data that replicate the sounds associated with a plurality of scenes such as landscapes, aquarium, or virtual scenes displayed on the screens." Applicant respectfully traverses this rejection. Applicant respectfully submits that *Suzuki* does not disclose each and every element and limitation of Applicant's claimed invention as required by 35 U.S.C. § 102(e).

Suzuki discloses a multimedia information browsing system. *Suzuki* is directed to information browsing techniques, and more particularly to an information processing technique used in a variety of environments that enables the browsing and listening to a variety of digital information. *Suzuki*, Col. 1, lines 1-9. *Suzuki's* information system provides a system that is similar to a standard personal computer and an object of the *Suzuki* system is to enable anyone to

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operate the information system to browse and listen to various media formats. *Suzuki*, Col. 1, lines 60-67; Col. 2, lines 24-39.

Claim 9 is not rendered unpatentable by *Suzuki*. Specifically, *Suzuki* does not teach a system for altering the appearance of an interior space comprising a plurality of primary speakers, wherein at least two primary speakers are positioned proximate to each one of the plurality of plasma display screens. Additionally, *Suzuki* does not teach such a system wherein the audio data associated with a particular video image displayed on a particular plasma display screen is transmitted to the at least two speakers proximate to the plasma display screen. *Suzuki* is silent regarding placing two speakers proximate to each plasma display screen, associating audio data with a particular video image displayed on a particular plasma display screen, and transmitting the associated audio data to the at least two speakers proximate the particular plasma display screen. Accordingly, Applicant respectfully submits that Claim 9 is patentable over *Suzuki* because *Suzuki* does not teach each and every element and limitation recited in Claim 9. Applicant thus respectfully requests that the Examiner withdraw the rejection to Claim 9.

II. Claims 1-8 and 10-15

In rejecting Claims 1-8 and 10-15, the Examiner states "that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the scent generator associated with the computer and the display as taught by *Manne* in the *Suzuki* multimedia information system." Applicant respectfully disagrees with the Examiner's assertion and respectfully submits that Applicant's invention is patentable over the *Suzuki-Manne* combination.

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Manne teaches a personal scent delivery system. The purpose of *Manne*'s system is to expose a movie viewer to combinations of scents corresponding to a scene in a movie. *Manne*, Col. 2, lines 37-40. The *Munne* system uses a tube (or enclosed conduit) and nasal mask to provide scents to a user's nose and also uses the tube to pull scents away from a user's nose. *Manne*, Col. 2, lines 51-56. The mask is connected to one end of the tube, and the other end of the tube is connected to a valve apparatus and a fragrance container capable of supplying various scents to a user via the mask and tube. *Munne*, Col. 5, lines 21-51. The *Manne* system also utilizes a microprocessor to control the valve apparatus and fragrance container, and to precisely determine the scent or combination of scents provided to a user via the mask and tube based upon a specific frame in a movie. *Manne*, Col 5, lines 8-11.

Applicant respectfully submits that the *Suzuki-Manne* combination is improper and can not substantiate a § 103 rejection of Applicant's currently claimed invention. The combination is improper because the cited references do not provide a suggestion or motivation to combine or modify the references as the Examiner has in making the § 103 rejection. *Suzuki* does not express any suggestion or motivation to use a scent generator in providing an information browsing system, and in fact, only lists audio and video information. *Suzuki*, Col. 7, lines 42-59. *Suzuki* does not even mention using scent information in the information browsing system and thus contains no suggestion or motivation to use a scent generator. *Manne*, on the other hand, is focused on quickly delivering and retracting scents provided to a user at specific time instances.

Additionally, Applicant respectfully asserts that *Manne* teaches away from Applicant's invention because *Manne* teaches a personal scent delivery system rather than a scent delivery system that disperses scents to an interior space. *Manne*'s system is a personal delivery scent

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system focused on quickly delivering and retracting scents to individuals and could not practically supply scents to large interior spaces. *Manne* teaches that his personal scent delivery system is superior to large area dispersion scent generators by stating that "the use of a conduit is unique" and that the conduit system is superior because "all prior inventions have relied upon convection and diffusion through air in an open space [to] carry scent to a user." *Manne*, Col. 2, lines 51-56; see also *Manne*, Col. 29, lines 15-21 ("Thus this system is differentiated from existing scent emitters by virtue of the fact that the scent is conducted directly to the user rather than being convected and diffused through the air. Thus rapid changes in scents or combinations of scents can be achieved in contradistinction to preexisting systems.").

Applicant also asserts that a combination of *Manne's* personal scent delivery mask system and *Suzuki's* multimedia information browsing system would not yield Applicant's claimed invention. If the *Suzuki* and *Manne* systems were combined, a personal computer equipped with a mask personal scent delivery system capable of quickly providing and retracting scents to a user would be the result and such a system does not render Applicant's claimed invention unparentable. The combination would also not teach or suggest all of Applicant's claimed elements and limitations. Because the references teach away from Applicant's claimed invention, do not express a motivation to combine or a suggestion to combine the references, or do not express a reasonable expectation of success to yield Applicant's claimed invention, the references can not be properly combined to reject Applicant's claimed invention.

Applicant, therefore, respectfully submits that independent Claims 1, 9, and 15 are patentable over the *Suzuki* and *Manne* references and that dependent Claims 2-8 and 10-14 are likewise patentable for the further limitations contained therein.

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CONCLUSION

The foregoing is a complete response to the Office Action mailed March 12, 2004. Applicant respectfully submits that Claims 1-15 are patentable and respectfully requests passing of this case in due course of patent office business.

No fees are believed due; however, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities that remain in the application which may be corrected by an Examiner's amendment, a telephone call to the undersigned attorney at (404) 885-3652 is respectfully solicited.

Respectfully submitted,



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